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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,023	11/25/2003	Natalie Dorsey	F-8304	6531
24131	7590	05/19/2004	EXAMINER	
LERNER AND GREENBERG, PA				NGUYEN, SON T
P O BOX 2480				ART UNIT
HOLLYWOOD, FL 33022-2480				PAPER NUMBER
				3643

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/722,023	DORSEY, NATALIE	
	Examiner	Art Unit	
	Son T. Nguyen	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 November 2003.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-24 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

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Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 25 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/25/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim 23** is rejected under 35 U.S.C. 102(b) as being anticipated by US 5394835 (herein 835). 835 discloses a pet furniture comprising a sanitary compartment; a litter container 40 having a slanted bottom region (see figs. 7 & 8), the litter container storing clean unused litter; a litter dispenser 60,90,12 attached to the litter container at the slanted bottom region.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1,8,9,18-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6209490 (herein 490) in view of US 5394835 (herein 835, as above).

For claim 1, 490 discloses a pet furniture comprising a sanitary compartment 30 for receiving litter box 48 therein; a feeding compartment 18 being separated from the sanitary compartment; a storage compartment 28 being separated from the sanitary and

feeding compartments. However, 490 is silent about a litter container for storing clear unused litter to be dispensed into the litter box.

835 discloses a pet furniture as described above with a litter container for storing clean unused litter to be dispensed into a litter box therebelow. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a litter container with the features as described above by 835 in the furniture of 490 in order to provide clean litter for the litter box.

For claim 8, 490 as modified by 835 (emphasis on 490) discloses the feeding compartment and sanitary compartment are separated by a wall 22.

For claim 9, 490 as modified by 835 (emphasis on 490) discloses the feeding and storage compartments are separated by a shelf 22.

For claim 18, 490 as modified by 835 (emphasis on 490) discloses at least one door for closing said sanitary compartment, said at least one door 34,36 having at least one pet entrance opening formed therein (see fig. 1).

For claim 19, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have two doors each having a complementary one of said openings formed in the furniture of 490 as modified by 835, since it is has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

For claim 20, 490 as modified by 835 (emphasis on 490) discloses roll top door 27.

For claim 21, see claim 1.

For claim 22, it would have been an obvious substitution of functional equivalent to substitute the dispenser tray of 490 as modified by 835 (emphasis on 835) with a hose, since both types of dispenser mechanism would allow clean litter to be dispensed into the litter box.

5. **Claims 2-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over 490 as modified by 835 as applied to claim 1 above, and further in view of US 5749317 (herein 317).

For claim 2, 317 discloses a litter cabinet comprising litter drawer 27. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a litter drawer as taught by 317 in the furniture of 490 as modified by 835 in order to allow easier access to the litter container by pulling the container out of the furniture like in a drawer effect.

For claims 3-5, in addition to the above, both 835 and 317 further discloses said litter drawer has a slanted bottom region. However, 490 as modified by 835 & 317 is silent about a litter dispensing hose is attached to said litter drawer at said slanted bottom region. It would have been an obvious substitution of functional equivalent to substitute the dispenser tray of 490 as modified by 835 & 317 (emphasis on 835) with a hose, since both types of dispenser mechanism would allow clean litter to be dispensed into the litter box. In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a cap to seal the hose in the furniture of 490 as modified by 835 & 317 to prevent litter from falling out of the litter container. Furthermore, it would have been obvious to one having ordinary skill in the

art at the time the invention was made to employ a holding device for the hose in the furniture of 490 as modified by 835 & 317 for such holders are notoriously well known in the art.

6. **Claims 6-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over 490 as modified by 835 as applied to claim 1 above, and further in view of US 5577464 (herein 464). 464 teaches pet furniture having pull-out trays 40,38,36 for sanitary and feeding compartments. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ pull-out trays as taught by 464 in the furniture of 490 as modified by 835 in order to allow easier access for the litter box and feed and water containers.

7. **Claims 10-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over 490 as modified by 835 as applied to claim 1 above, and further in view of US 3618568 (herein 568).

For claim 10, 568 teaches a pet furniture comprising a countertop including an openable portion 16 and a fixed portion 31. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ an openable portion 16 and a fixed portion 31 as taught by 568 in the furniture of 490 as modified by 835 in order to allow certain portion of furniture to be opened for accessing the interior and certain portion not to open so as to provide a platform for the pet to stay on.

For claim 11, 490 as modified by 835 & 568 further discloses wherein said storage compartment is accessible through said openable portion of said countertop.

For claim 12, in addition to the above, 568 further discloses a bed 24 disposed inside the furniture. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a bed as further taught by 568 in the furniture of 490 as modified by 835 & 568 in order to provide the pet with a padded resting place. In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the bed of 490 as modified by 835 & 568 on the countertop's fixed portion, depending where the pet goes most to lay down.

8. **Claims 13,14** are rejected under 35 U.S.C. 103(a) as being unpatentable over 490 as modified by 835 & 568 as applied to claims 1,10-12, above, and further in view of US 6397778 (herein 778) in view of US 5465682 (herein 682).

For claim 13, 778 teaches pet bed 10 that can be mounted on any structure. 682 teaches a pet furniture having a scratching post 32 which can be used as a support structure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ both the scratching post of 682 to mount the pet bed of 778 in the furniture of 490 as modified by 835 & 568 in order to provide a place where the pet can rest or play on the scratching post.

For claim 14, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ two poles each have brackets for supporting said bed of 490 as modified by 835,568,682 & 778, for such mounting members are notoriously well known in the art to support elements.

9. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over 490 as modified by 835,568,778,& 682 as applied to claims 1,10-14, above, and further in view

of GB 2227401 (herein 401). 401 teaches a pet hammock which can be mounted to any supporting structure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the hammock as taught by 401 in the furniture of 490 as modified by 835,568,778,& 682 for the pet to swing and sleep. In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ brackets to mount the hammock of 490 as modified by 835,568,778,682 & 401, for such mounting members are notoriously well known in the art to support elements.

10. **Claims 16,17** are rejected under 35 U.S.C. 103(a) as being unpatentable over 490 as modified by 835 as applied to claim 1 above, and further in view of US 4683839 (herein 839).

For claim 16, 839 teaches pet furniture comprising a supply holder for sanitary compartment. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a supply holder as taught by 839 in the sanitary compartment of 490 as modified by 835 in order to hold items placed in the compartment for organization.

For claim 17, in addition to the above, 839 teaches hooks 28 for holding litter bag 22. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ hooks as taught by 839 in the sanitary compartment of 490 as modified by 835 in order to hold items placed in the compartment for organization.

11. **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5394835 (herein 835). It would have been an obvious substitution of functional equivalent to substitute the dispenser tray of 835 with a hose, since both types of dispenser mechanism would allow clean litter to be dispensed into the litter box.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is (703) 305-0765. The examiner can normally be reached on Monday - Friday from 9:00 a.m. to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon, can be reached at (703) 308-2574. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at (703) 872-9325. The official fax number is 703-872-9306.



Son T. Nguyen
Primary Examiner, GAU 3643
May 14, 2004